

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CITY OF ERIE, PENNSYLVANIA,

DEFENDANT.

CIVIL ACTION NO. 04-4 ERIE

JUDGE McLAUGHLIN

(ELECTRONICALLY FILED)

**PLAINTIFF UNITED STATES' UNOPPOSED MOTION  
TO SUBSTITUTE CORRECTED RELIEF AWARDS LIST**

On September 8, 2006, pursuant to the Consent Decree entered by the Court on June 15, 2006, the United States filed a Relief Awards List (Docket Entry # 161, Attachment 1).

Subsequently, the United States became aware of errors in the Relief Awards list. The United States requests leave to file the attached Relief Awards List in order to correct the errors prior to the Fairness Hearing on Individual Relief scheduled for November 20, 2006. Defendant City of Erie does not oppose this motion.

First, on the September 8, 2006 Relief Awards List, the United States inadvertently listed a Claimant twice, once as "Karuba, Audrey" and again as "Karuba-Cooley, Audrey." Because of that error, the United States double-counted Ms. Karuba-Cooley in calculating the amount of monetary relief each eligible Claimant (other than Cheryl Ann Frey) should receive. As corrected, the Relief Awards List identifies Ms. Karuba-Cooley once and redistributes the "second" \$3,288.00 allocated to Ms. Karuba-Cooley on the September 8, 2006 Relief Awards

List equally among the eligible Claimants (other than Ms. Frey).

In addition, the corrected Relief Awards List modifies footnote 4 and adds footnote 5 to the Relief Awards List. The original footnote 4 incorrectly stated that Denise Osterberg had not returned a completed Questionnaire to the United States. The new footnote 5 correctly identifies Mary Ann Santiago as the Claimant from whom the United States has not received a completed Questionnaire. Footnote 4, relating to Ms. Osterberg, should have stated that, although, as the Relief Awards List states, Ms. Osterberg indicated on her Interest in Relief form that she wanted to be considered for priority hiring relief, she has stated in a subsequent telephone conversation that she is no longer interested in such relief and now seeks only monetary relief. On the attached Relief Awards List, footnote 4 has been corrected. Consistent with the correction to footnote 4, the attached Relief Awards List indicates that Ms. Osterberg should be awarded only monetary relief.

The only substantive effect of the corrections on the Claimants is that the United States has now determined that each eligible Claimant (other than Ms. Frey) should receive \$74.00 more in monetary relief. In this regard, the notice letter that the United States sent to Ms. Karuba-Cooley on October 3, 2006 correctly notified Ms. Karuba-Cooley that the United States had determined that she should receive one monetary award and that she was eligible for priority hiring relief. Similarly, the notice letter that the United States sent to Ms. Osterberg correctly notified her that the United States had determined that she should receive only monetary relief. Accordingly, no additional notice to any of the Claimants is necessary prior to the Fairness Hearing on Individual Relief. Moreover, the corrections have no effect on the City's pending

Motion to Compel.

For the foregoing reasons, the United States requests that the Court grant the United States leave to file the attached corrected Relief Awards List.

Respectfully submitted,

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